

1 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**
2 **PLANNING COMMISSION WORK MEETING**

3
4 **Wednesday, March 4, 2020**

5 **5:30 p.m.**

6 **Cottonwood Heights City Council Chambers**

7 **2277 East Bengal Boulevard**

8 **Cottonwood Heights, Utah**
9

10 ***ATTENDANCE***

11
12 **Members Present:** Chair Graig Griffin, Commissioner Chris Coutts, Commissioner Craig
13 Bevan, Commissioner Sue Ryser, Commissioner Jesse Allen,
14 Commissioner Douglas Rhodes, Commissioner Bob Wilde, Commissioner
15 Dan Mills
16

17 **Staff Present:** CED Director Michael Johnson, Senior Planner Matthew Taylor, Planner
18 Andrew Hulka, Associate Planner Samantha, City Attorney Shane Topham,
19 Deputy City Recorder Heather Sundquist
20

21 **WORK MEETING**

22
23 Chair Graig Griffin called the meeting to order at 5:00 pm.
24

25 **1.0 Planning Commission Discussion.**

26
27 **1.1 (Project PDD-19-001) Action on a Petition to Amend Bengal Heights P.U.D.,**
28 **Lots 6 and 7, located at 7691 and 7725 South Bengal Heights Court as**
29 **Requested from Jeremy McCune, Restored Realty.**
30

31 Senior City Planner, Matthew Taylor reported that the above request is for a lot line adjustment on
32 properties located at 7691 and 7725 South Bengal Heights Court. The adjustment would increase
33 the yard area for Lot 6 to accommodate the construction of a pool. Staff recommended approval.
34

35 **1.2 (Project CUP-20-003) A Public Hearing and Possible Action on a Request**
36 **from Kellen Humphreys for a Conditional Use Permit to Operate a Retail**
37 **Shop (Summit Cyclery) at 2540 East Bengal Boulevard, Suite #100 in the NC**
38 **– Neighborhood Commercial Zone.**
39

40 Associate City Planner, Samantha DeSeelhorst stated that the above request is for a Conditional
41 Use Permit to operate a retail shop, Summit Cyclery, at 2540 East Bengal Boulevard. There was
42 to be no change to the current site and any future signage would come through the building permit
43 process. The proposed parking is adequate with 16 stalls required and 40 provided. Staff
44 recommended approval.
45

Community Development Director, Mike Johnson stated that follow up comments included an existing nearby bike shop. He confirmed that retail use is designated for all retail and is not regulated.

1.3 (Project CUP-20-004) Public Hearing and Possible Action on a Request by Mayra Martins for a Conditional Use Permit to Operate a Public Health Center (Blue Autism Clinic) at 2540 East Bengal Boulevard, Suite #300 in the NC – Neighborhood Commercial Zone.

Ms. DeSeelhorst reported that the above request is for a Conditional Use Permit to operate a public health center (Blue Autism Clinic) at 2540 East Bengal Boulevard. The proposed site is located in the former Summit Cyclery building. Six parking stalls were required with 40 stalls available. Staff recommended approval.

Commissioner Wilde expressed concern with patrons having to go through the Conditional Use Permit process. He questioned the reasoning behind requiring a Conditional Use Permit. He considered it to be unnecessary and an unwise use of valuable staff time. Ms. DeSeelhorst commented that every use in the NC zone is conditional.

Mr. Johnson did not disagree with Commissioner Wilde but stated that going forward they will have granted a Conditional Use Permit at the proposed address for retail and health care uses. Subsequent uses would not be required to go through the process again as the Conditional Use has already been granted for the property.

Commissioner Bevan reported that he owns a building in Murray City under a Conditional Use Permit for residential, but the underlying zoning is commercial. His brother rented space from him and when he visited the City Offices to apply for a business license, because the property is zoned Commercial, nothing further was required.

Staff received two comments expressing concern with the proposed use and confirmed that the request is an approved use in the zone.

1.4 (Project SLP-20-001) A Public Hearing and Possible Action on a Request by Brent Christensen (CW Management) for a Site Plan Approval to Operate a Restaurant at 7237 South Canyon Centre Parkway in the MU – Mixed Use Zone.

1.5 (Project SPL-20-002) A Public Hearing and Possible Action on a Request from Brent Christensen (CW Management) for a Site Plan Approval to Operate a Retail Shop at 7333 South Canyon Centre Parkway in the MU – Mixed Use Zone.

The above two agenda items were discussed together.

Associate City Planner, Andy Hulka reported that the requests require a separate public hearing and motion. The site plan and restaurant layout were described. The Planning Commission

1 approved the site plan and general layout in 2014. Site renderings previously approved by the
2 Planning Commission and ARC Commission were presented. Mr. Hulka explained that the Shared
3 Parking Plan was approved as part of the Development Agreement and approved by the
4 Architectural Review Commission (“ARC”) and is not subject to the Shared Parking Agreement.
5 The proposed parking included 21 restaurant stalls with 15 stalls for retail. Mr. Johnson confirmed
6 that the majority of hotel parking is located inside the structure along with the office building on
7 the far south side.

8
9 The exterior details were next described. Staff reported that the ARC required a comprehensive
10 lighting and landscaping plan for the full development to be submitted for future review. They
11 also required the restaurant use the same finish materials as were used on the adjacent restaurant.
12 Commissioner Coutts expressed concern with the lack of a completed site plan. Walkability issues
13 were discussed. Mr. Johnson explained that from a planning perspective, the applicant would not
14 be in violation of any codes. The sitewide lighting and landscaping plan should address a
15 completed site plan concern once it is submitted to the ARC.

16
17 The importance of a completed site plan was emphasized to prevent future issues. Staff
18 acknowledged the concerns and recommended approval.

19
20 **1.6 (Project ZTA-20-001) Recommendation on a Proposed Ordinance Amending**
21 **Chapter 14.44 – “Shade Trees,” and Amending Various Other Provisions in**
22 **Title 14 – “Highways, Sidewalks and Public Places” Relative to Public Trees**
23 **and Park Strips in the Right-of-Way.**
24

25 Mr. Taylor reported that the proposed ordinance would amend Chapter 14.44, “Shade Trees” and
26 various provisions in Title 14, “Highways, Sidewalks and Public Places”. It would also establish
27 provisions for public trees and define standards for trees in park strips. Enforcement of nuisance
28 trees was described.

29
30 Citizen responsibilities were summarized. Mr. Taylor explained that although in the right-of-way,
31 the adjacent property owner assumes responsibility for the park strip. The proposed ordinance
32 clarifies that responsibility and strengthens the policy. The ordinance allows for 100% vegetative
33 landscaping and is defined in the Code as softscape, which is allowed to be more flexible than just
34 grass and includes living, organic material. Rock and permeable materials are also allowed. A
35 three-foot buffer from the center of park strip trees would be required. It was proposed that 50%
36 of park strips be planted, exclusive of driveway approaches, in some type of vegetative soft scape.
37 The remaining 50% may consist of permeable landscaping. The benefits of public trees were next
38 discussed. Staff indicated that the issue will not be voted on but will be introduced for public
39 hearing. Feedback was welcomed.

40
41 **2.0 Adjournment.**
42

43 *Chair Griffin moved to adjourn the Work Session. Commissioner Ryser seconded the motion.*
44 *The motion passed with the unanimous consent of the Commission.*
45

46 The Work Session adjourned at 6:02 p.m.

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10
11 ***ATTENDANCE***

12
13 **Members Present:** Chair Graig Griffin, Commissioner Chris Coutts, Commissioner Craig
14 Bevan, Commissioner Sue Ryser, Commissioner Jesse Allen,
15 Commissioner Douglas Rhodes, Commissioner Bob Wilde, Commissioner
16 Dan Mills

17
18 **Staff Present:** CED Director Michael Johnson, Senior Planner Matthew Taylor, Planner
19 Andrew Hulka, Associate Planner Samantha, City Attorney Shane Topham,
20 Deputy City Recorder Heather Sundquist
21

22 **BUSINESS MEETING**

23
24 Chair Graig Griffin called the Business Meeting to order at approximately 6:06 p.m. and welcomed
25 those in attendance.
26

27 **1.0 Welcome and Acknowledgments.**

28
29 **1.1 Ex Parte Communications or Conflicts of Interest to Disclose.**

30
31 **2.0 General Public Comment.**

32
33 There were no public comments.
34

35 **3.0 Business Items.**

36
37 **3.1 Project LLA-20-001) Action on a Petition to Amend Bengal Heights PUD, Lots**
38 **6 and 7, located at 7691 and 7725 South Bengal Heights Court as Requested**
39 **by Jeremy McCune, Restored Realty.**
40

41 Senior City Planner, Matthew Taylor presented the staff report and stated that the above request is
42 for a lot line adjustment between two existing platted lots located at 7691 and 7725 South Bengal
43 Heights Court. The applicant was proposing to adjust the property line by 25 feet to make
44 additional room for Lot 6 and the addition of a swimming pool. State Code requires any lot line
45 adjustment in a platted subdivision be approved at a public meeting. Staff recommended approval.
46

1 *Commissioner Rhodes moved to approve Project LLA-20-001 based on the following findings:*

- 2
- 3 1. *The proposed subdivision is in compliance with all provisions of Title 12 –*
- 4 *Subdivisions and Title 19 –Zoning.*
- 5
- 6 2. *Proper notice was given in accordance with local and state requirements.*
- 7
- 8 3. *A public hearing was held in accordance with local and state requirements.*
- 9

10 *Commissioner Bevan seconded the motion. Vote on motion: Commissioner Allen-Aye,*
11 *Commissioner Ryser-Aye, Commissioner Coutts-Aye, Commissioner Mills-Aye, Commissioner*
12 *Rhodes-Aye, Commissioner Bevan-Aye, Chair Griffin-Aye. The motion passed unanimously.*
13 *Alternate Planning Commission Member, Bob Wilde did not participate in the vote.*

14

15 **3.2 (Project CUP-20-003) Public Hearing and Possible Action on a Request by**
16 **Kellen Humpherys for a Conditional Use Permit to Operate a Retail Shop**
17 **(Summit Cyclery) at 2540 East Bengal Boulevard, Suite #100 in the NC –**
18 **Neighborhood Commercial Zone.**

19

20 Associate City Planner, Samantha DeSeelhorst presented the staff report and stated that the above
21 request involves a Conditional Use Permit to operate a retail shop in the former Summit Cyclery
22 building located at 2540 East Bengal Boulevard. Based on the square footage, the use would
23 require five parking stalls where there are currently 40 available on site. Staff recommended
24 approval.

25

26 Chair Griffin opened the public hearing, There were no public comments. The public hearing was
27 closed.

28

29 *Commissioner Bevan moved to approve Project CUP-20-003 based on the following findings:*

- 30
- 31 1. *The proposed use described in the report is a conditional use within the NC –*
 - 32 *Neighborhood Commercial zone.*
 - 33
 - 34 2. *A public hearing was held in accordance with local and state requirements.*
 - 35

36 *Commissioner Rhodes seconded the motion. Vote on motion: Commissioner Allen-Aye,*
37 *Commissioner Ryser-Aye, Commissioner Coutts-Aye, Commissioner Mills-Aye, Commissioner*
38 *Rhodes-Aye, Commissioner Bevan-Aye, Chair Griffin-Aye. The motion passed unanimously.*
39 *Alternate Planning Commission Member, Bob Wilde did not participate in the vote.*

40

41 **3.3 (Project CUP-20-004) Public Hearing and Possible Action on a Conditional**
42 **Use Permit to Operate a Public Health Center (Blue Autism Clinic) at 2540**
43 **East Bengal Boulevard, Suite #300 in the NC – Neighborhood Commercial**
44 **Zone.**

45

46 Ms. DeSeelhorst presented the staff report and stated that the above request is for a Conditional

1 Use Permit from Blue Autism Clinic to operate a public health center at 2540 East Bengal
2 Boulevard. The proposed use requires six parking stalls where there are currently 40 on site. Staff
3 recommended approval.

4
5 Chair Griffin opened the public hearing. There were no public comments. The public hearing was
6 closed.

7
8 ***Commissioner Rhodes moved to approve CUP-20-004 based on the following findings:***

- 9
10 ***1. The proposed use described in the report is a conditional use within the NC –***
11 ***Neighborhood Commercial zone.***
12
13 ***2. A public hearing was held in accordance with local and state requirements.***
14

15 ***Commissioner Coutts seconded the motion. Vote on motion: Commissioner Allen-Aye,***
16 ***Commissioner Ryser-Aye, Commissioner Coutts-Aye, Commissioner Mills-Aye, Commissioner***
17 ***Rhodes-Aye, Commissioner Bevan-Aye, and Chair Griffin-Aye. The motion passed***
18 ***unanimously. Alternate Planning Commission Member, Bob Wilde did not participate in the***
19 ***vote.***

20
21 **3.4 (Project CUP-20-001) Public Hearing and Possible Action on a Possible**
22 **Request by Brent Christensen (CW Management) for Site Plan Approval to**
23 **Operate a Restaurant at 7237 South Canyon Centre Parkway in the MU –**
24 **Mixed Use Zone.**
25

26 Associate City Planner, Andy Hulka presented the staff report and stated that the above request is
27 from Brent Christensen of CW Management for site plan approval to operate a restaurant at 7237
28 South Canyon Centre Parkway in the Mixed-Use Zone (MU).

29
30 Commissioner Coutts was concerned that they are being presented with portions of a site plan
31 rather than a complete one. She recommended continuing the item until site plans are available
32 for both the retail and the restaurant uses. In addition, the interface between parking and the
33 building was not shown. She clarified that they are asking for site plans for each case. Mr. Hulka
34 presented an overlay for the current plan. Chair Griffin commented that the proposal is not for a
35 site plan but for the individual lots. A continuance was offered by the Commission to allow for
36 the approval of a completed site plan.

37
38 Chris Jensen, an Architect from Think Architecture, reported that he previously served on the City
39 of Holladay's Planning Commission and understood the request. He explained that there will be
40 a parking garage, a portion of which includes a restaurant on two of the levels. It was not clear on
41 the plans as the restaurant is hatched into the corner, sits between two levels, and is not outside of
42 the existing parking garage. The second building is adjacent to the distillery that is under
43 construction and is directly on top of the parking garage. It was clarified that it does not extend
44 beyond the parking garage footprint.
45

1 Commissioner Coutts emphasized the need for an interface to be shown on the site plan. The
2 phasing of the project was understood but it was requested that a completed site plan be submitted.
3 Chair Griffin noted that the pedestrian flow also needs to be shown.

4
5 Mr. Jensen explained that due to the complexity of the project and having a parking garage
6 constructed by the master developer, it also included a restaurant pad owned by a private owner
7 and a restaurant pad on top of the parking garage that was owned by the adjacent hotel. They
8 ultimately held off on putting in the parking until both the hotel and restaurant are complete.

9
10 Chair Griffin opened the public hearing. There were no public comments. The public hearing was
11 closed.

12
13 *Commissioner Mills moved to continue Project CUP-20-001 to the April 1, 2020, meeting.*
14 *Commissioner Coutts seconded the motion. The motion passed with the unanimous consent of*
15 *the Commission. Alternate Planning Commission Member, Bob Wilde did not participate in the*
16 *vote.*

17
18 **3.5 (Project SPL-20-2002) Public Hearing and Possible Action on a Request by**
19 **Brent Christensen (CW Management) for Site Plan Approval to Operate a**
20 **Retail Shop at 7333 South Canyon Centre Parkway in the MU – Mixed Use**
21 **Zone.**

22
23 *Commissioner Mills moved to continue Project CUP-20-002 to the April 1, 2020, Meeting.*
24 *Commissioner Coutts seconded the motion. The motion passed with the unanimous consent of*
25 *the Commission. Alternate Planning Commission Member, Bob Wilde did not participate in the*
26 *vote.*

27
28 **3.6 (Project ZTA-20-001) Recommendation on a Proposed Ordinance Amending**
29 **Chapter 14.44 – “Shade Trees,” and Amending Various Other Provisions in**
30 **Title 14 – “Highways, Sidewalks and Public Places” Relative to Public Trees**
31 **and Park Strips in the Right-of-Way.**

32
33 Mr. Taylor presented the staff report and stated that there are two sets of park strip design
34 standards. The first references park strips that exceed four feet in width. The second references
35 park strips with a width of four feet and less. Permeable hardscape landscaping was reviewed. He
36 noted that park strips of less than four feet in width may consist of 100% softscape.

37
38 Tree standards were next discussed. Mr. Taylor stated that the ordinance would require all future
39 development to install trees. If future trees are planted in park strips, they are required to be 25
40 feet apart with a minimum two-inch caliper. He displayed a tree selection guide based on the work
41 of South Jordan City as compiled by their Urban Forester. The guide also identifies prohibited
42 trees. Mr. Taylor reported that the Jordan Valley Water Conservancy District is resourceful
43 regarding the local content replacement for park strips. Non-members of the District are invited
44 to attend classes, which are multi-jurisdictional. A handout referencing the benefits of an urban
45 forest and trees covering sustainable concepts was included in the Purpose and Goals Statement.

1 Chair Griffin raised a question regarding the proposed referencing of blue stakes identifying utility
2 lines. He also questioned the placement of a boulder/sculpture placement within the park strip.
3 Mr. Taylor agreed to look into the blue stake requirements. The placement of items in the park
4 strip was not addressed in the ordinance and as a result, is not prohibited.

5
6 Commissioner Bevan asked if the ordinance would allow a homeowner to plant a garden in the
7 park strip for part of the year. Sidewalk and street safety issues were identified as concerns.
8 Mr. Taylor confirmed that staff was looking for policy guidance from the Commission. Various
9 types of trees were discussed. He explained that there is a section addressing nuisances created by
10 trees that could create a public safety issue. The ordinance would allow enforcement and
11 strengthens the abatement ordinance by asking the property owner to remove dangerous and
12 noxious trees.

13
14 Commissioner Coutts stressed the importance of not being overly prescriptive and offering
15 resources rather than suggestions. She expressed frustration with the order of the ordinance and
16 believed that reorganization would be beneficial. Clarification of the words 'abutting' and
17 'adjacent' was requested. She believed that policy statements belong in the General Plan.

18
19 Commissioner Bevan was optimistic that the City had taken the necessary steps to address the
20 issue and thanked staff for their efforts. He was in favor of utility companies being required to
21 bury mechanical equipment. Mr. Taylor noted that the burial of mechanical utility boxes would
22 come at a substantial cost to the developer. He offered to review the request.

23
24 After reviewing the draft, Commissioner Wilde stated that ordinance enforcement will need to be
25 able to be used in a criminal or civil litigation context. He suggested that words and phrases be
26 clearly defined. He pointed out that hazard trees appeared in the draft 16 times but were not clearly
27 defined.

28
29 *Commissioner Coutts moved to continue Project ZTA-20-001 to the April 1, 2020, meeting.*
30 *Commissioner Mills seconded the motion. The motion passed with the unanimous consent of*
31 *the Commission. Alternate Planning Commission Member, Bob Wilde did not participate in the*
32 *vote.*

33 34 **4.0 CONSENT AGENDA**

35 36 **4.1 Approval of Planning Commission Minutes.**

37 38 **4.1.1 Approval of Minutes for February 5, 2020.**

39
40 *Commissioner Rhodes moved to approve the Business and Work Session Meeting minutes of*
41 *February 5, 2020. Commissioner Allen seconded the motion. Vote on motion: Commissioner*
42 *Allen-Aye, Commissioner Ryser-Aye, Commissioner Coutts-Abstained, Commissioner Mills-*
43 *Aye, Commissioner Rhodes-Aye, Commissioner Bevan-Aye, Chair Griffin-Aye. The motion*
44 *passed unanimously with one abstention. Alternate Planning Commission Member, Bob Wilde*
45 *did not participate in the vote.*

1 **5.0 ADJOURNMENT**

2
3 *Commissioner Mills moved to adjourn. Commissioner Bevan seconded the motion. The motion*
4 *passed with the unanimous consent of the Commission.*

5
6 The Planning Commission Meeting adjourned at approximately 7:00 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*
2 *Cottonwood Heights City Planning Commission Meeting held Wednesday, March 4, 2020*
3
4

5 Teri Forbes

6 Teri Forbes
7 T Forbes Group
8 Minutes Secretary
9

10 Minutes Approved: April 15, 2020